## REMARKS/ARGUMENTS

Applicant thanks the Examiner for his consideration of this case. Claims 1 through 37 are pending in the current application and no claims have yet been allowed. In the specification, an element number "4d" in the List of Reference Numerals has been added to properly reference element 4d in FIG. 3. No new matter has been added to the application.

The Examiner has rejected claims 1-4, 6-8, 10-11, 13-18, 20, 21, and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,359,251 to Picard, et al. (the '251 Patent). The Examiner contends that the '251 Patent "teaches volume control via pressure sensing feedback via volume flow control PFC valve." Applicant respectfully traverses this contention. The PFC valves disclosed in the '251 Patent are described variously as "proportional flow control" valves (in col. 12, lines 44-45 and lines 62-64) and "proportional solenoid valves" (see col. 13 line 57 through col. 14 line 19). The '251 Patent describes the function of these PFC valves as follows:

> Referring to FIGs. 10A and 10B, a proportional solenoid valve includes a solenoid coil 138, an armature assembly 124, a yolk 140, a pole 134 and a flat spring 132. As the solenoid coil 138 is energized, the coil magentomotive force induces a flux through yoke 140 and pole 134, across a working gap 135, through armature assembly 124, and back to yoke 140 via flux concentrator 148... As current is increased to the coil, the flow output of the valve increases *proportionally*. The PFC valve described in reference to FIGs. 10A and 10B is exemplary only. Proportional solenoid valves operating under other principles or incorporating other structures can also be used in accordance with the present invention. (col. 13 line 57 through col. 14 line 19. Emphasis added.)

The '251 further clarifies the operation of the PFC valves by distinguishing them from the basic solenoid valves used elsewhere in the invention:

> The solenoid valve 75 opens or closes depending on the command signal from the CNC 12. The solenoid valve 75 is a simpler valve than the proportional solenoid valves 72, 73, 74. The solenoid valve 75 does not have the flat spring configuration described in the proportional solenoid valves 72, 73, 74 to enable *proportional flow control*. (col. 14 lines 21-25. Emphasis added.)
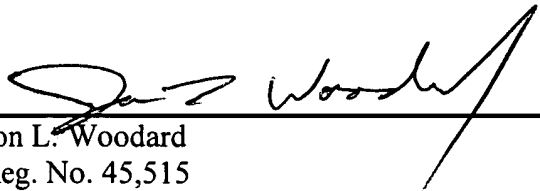
As described in the '251 Patent, flow control by the PFC valves is not by controlling the volume of flow but by the proportional increase in current to a solenoid valve. Therefore the '251 Patent does not teach the claimed elements of the instant application.

The Examiner rejects claims 5, 9, 12, 19, and 22-37 under 35 U.S.C. § 103(a) as being unpatentable over the '251 Patent in view of German Patent No. DE 20121641. The applicant contends that the German Patent No. DE 20121641 is not prior art to the instant application as it was, at the time the instant invention was made, owned by the same entity or subject to an obligation of assignment to the same entity under 35 U.S.C. § 103(c). The inventors of the instant application are also the inventors of German Patent No. DE 20121641. Furthermore, as discussed above, the '251 Patent does not teach the claimed subject matter.

In view of the foregoing, applicant submits that claims 1-37 are in a proper condition for allowance. Allowance of claims 1 through 37 is respectfully requested.
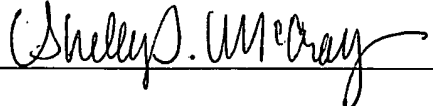

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